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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants: Roe-Kwan KIM

Group Art Unit: 2681

Serial No.: 09/132,351

Examiner: T. Davis

Filed: August 12, 1998

Dated: October 15, 2001

For: **METHOD FOR TRANSMITTING SHORT
MESSAGE TO CALLED SUBSCRIBERS**

Assistant Commissioner for Patents
Washington, D.C. 20231

REPLY BRIEF

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Sir:

First, Appellant notes that page one of the Appeal Brief states that "[t]o the best of Appellant's knowledge and belief, there are no related appeals or interferences". Thus, Appellant has indeed provided a statement regarding related appeals and interferences. Second, Appellant notes that page 4 of the Appeal Brief states that "[c]laim 1 stands alone" and that "[f]or the purposes of this appeal, Claims 2-10, 13 and 14 stand or fall together with Claim 1". Thus, Appellant has provided a grouping of claims.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

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Dated: October 15, 2001


Daniel E. Tierney

Although the Examiner's Answer is 16 pages long, pages 4-14 appear to be a verbatim reiteration of the substantive aspects of the November 21, 2000 Office Action. Appellant has already addressed the deficiencies of the 11/21/00 Office Action in its Appeal Brief and will not burden the Board with another complete rendition of those arguments here. In sum, among other things, the ID of the originating device of Sanders fails to teach a "group identifier" that is a "separately defined field" as recited in Claim 1.

There is an attempt to provide further details of the Examiner's positions in the "Response to Argument" portion on page 15-16 of the Examiner's Answer. The Examiner's main point appears to be that included in the first complete paragraph of page 16 of the Examiner's Answer:

"Given the fact that there is a talk group affiliation in the system of Sanders ... and that an association is made absent specific information concerning a group other than the communication device's own ID, then inherently there is a separately defined field in the system that identifies all of the members of the targeted talk group".

After removing the double negative construction of the introductory clause of this sentence ("...absent ... other than...") the Examiner appears to be saying that "an association is made with the talk group using the communication device's own ID". This, of course, is consistent with the position on Sanders that the Examiner has previously taken, and with which Appellant does not take issue.

However, the Examiner's conclusion "then inherently there is a separately defined field in the system that identifies all of the members of the targeted talk group"

is both unsupported and diametrically opposed to the Examiner's position that the talk group association is made using the communication device's ID. Sanders only provides support for the group of recipients being identified by using the originating device's ID or a target address included in the "call request" information, not by a separately defined field in the system.

For the reasons noted above and in the Appeal Brief, Sanders fails to show, inherently or otherwise, at least the Claim 1 recitations of "associating each of said plurality of called subscriber numbers with a group identifier, the group identifier being a separately defined field" and "simultaneously transmitting said short message to each of said plurality of called subscriber numbers by designating said group identifier". Thus, for at least these reasons, the Examiner fails to demonstrate that Claim 1 is anticipated by Sanders. Thus, Claim 1 is allowable.

As noted, Claims 2-10, 13 and 14 stand or fall together with Claim 1 and are thus also allowable.



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